572. Unlike the affection among relatives, friendships cool and even end. This is especially true for pacts based purely on mutual assistance. Thus, if one of the friends is somewhat too stingy in comparison to the other, a rupture quickly results.

[573] The Ntundu also have especially affectionate feelings for their "age mates" (bonfugf, pl. benfugf), that is, for all those who were born the same day, week, month, or period as they. They feel united by special ties. Among themselves age mates consider and treat each other as brothers, help and assist each other, etc.

Their affection is natural; the sort of selfishness that may be found among "friends" is not present among age mates.

Their relationship is so close that if the occasion arises, they lend each other their wives. (1)

1. See Chapter VI, Article VIII, 1.

[574] Lastly, individuals bearing the same name (nbof, pl. bendof) show real affection toward each other; they help each other and exchange gifts. They make no pact as do the bomeka, however.

It should be noted that these various bonds do not exist between persons of opposite sexes, among whom they would be condemned as concubinage. (2)

Article IV. Conjugal Love

575. The question has often been asked: how about love among these peoples? Do husbands and wives really love each other? We are not speaking here of sexual passion, which is generally present in addition to love between man and woman, but which in itself is clearly distinct from it. Love is the result of various emotions -- congeniality, affection, mutual appreciation, admiration, devotion, etc., and we judge the perfection of love according to the presence or absence of any one of these elements and their degree.

The question is by its very nature a very delicate one to answer. Actually, it is difficult to observe and analyze clear and precise facts pertaining to the subject. Our notion of it rests of

SBY safeguard freedom, and the impression should not be given that child-hood unions are encouraged -- as it sometimes is -- by the exemption of immature wives of polygamists from a supplementary tax.

There is no law requiring an elder sister to be married before a younger one, but such is the common practice. Exceptions are made only under certain circumstances, and particularly if the younger girl finds a suitor earlier than the older one, a reason which includes and sums up all the others (such as disadvantageous physical and psychological tendencies of the older sister).

171 SBY This practice of marrying daughters off before maturity is beginning to change because of the increase in freedom which has been introduced by colonization. Nevertheless, as this change is not especially advantageous [236] its manifestations are still very slight. The Christian education of parents must of necessity delay the time of the daughter's marriage and will do so ipso facto as soon as Christian influence becomes sufficiently strong in the region.

Article II. Boys

SBZ Except in the rare instances of an engagement of two young children, it was formerly the common and normal practice for men to remain bachelors for many years after puberty. The old men tended first to their own wants, and the youths had to wait their turn, like their elders. This was considered entirely natural. Later on they could establish a home and "profit" from life. Meanwhile they found a little compensation with the wives of certain relatives or of others, if the opportunity arose.

SBZ To explain this state of affairs we can invoke the political • SBY organization of Nkundó society, which is based on age. It is therefore natural that those possessing authority should have its external [232] signs, and one of the foremost of these is the wealth manifested in the possession of wives. But, as we will point out later, the present situation greatly weakens this explanation.

SBZ It is more natural to consider the delay in the marriage of SBY young men a logical consequence of the marriage of girls at an early age. Suppose that a boy is fifteen years old while his sister,

We have spoken of the unproductivity of the bride price. This is a Nkundó notion, and it is accurate only because the old men want to satisfy themselves before their sons. Actually, they could very easily reconcile their desire that the bride price should be productive with the aspirations of the youths, at least in many instances. All they would need to do would be to use the valuables they have received for their sons' benefit by acquiring girls of the same age for them. The productivity of the valuables would not diminish [238] in the least, of course, since the goods would remain in the family. On the contrary, it would be increased because a greater number of progeny would probably be born. But our natives knowledge of physiology does not seem to be sufficiently developed for them to come to this conclusion. And even more probably their egoism has greatly clouded their intelligence and silenced the voice of good sense and fatherly love to make it possible for them to multiply the number of their wives and thus increase the easy satisfaction of their sensuality, augment their wealth, and reinforce their social position. It will be their sons' turn after their death.

This situation is aggravated by the fact that, except for the bonfio, the brothers, not the sons, of the deceased inherited the widows, who thus remained in the hands of the old men.

Because of their attitudes the old men monopolized most of the women. They established large harems for themselves, so that it was very difficult for the young men to find a woman to marry; they had to consider themselves lucky if their father provided them with a child.

Thus it was unheard of that a young man between twenty and thirty years old should marry, except for a few instances where a man acquired a child who was to become his wife after a number of years. Men were usually forty years old or older before they married.

Nowadays the situation has changed entirely; the attitude of the old men favors the young much more and has become almost normal. The great majority of fathers, if they have the means, procure a wife for their sons as soon as the latter are old enough to express a desire for one. This improvement is due to the fact that it has become

much easier to get married. A great number of young men who would still be bachelors had they lived under the old regime now have wives. The young people leave home to go and work for the Whites, and the parents feel sorry for their sons and do not want to see them leave without a wife [228] to take care of them and prepare their food. This feeling has dealt the old custom a severe blow. And even for the young men who stay at home, it is no longer so difficult to obtain a wife. Paternal love has here triumphed over egoism.

Furthermore, the elders have been forced to take a more humanitarian attitude because, since the European occupation has given the young women a new freedom, they have abandoned their husbands and fled to the centers where, under the protection of the Whites, they have joined lovers who are as young as they. Therefore, it was much more intelligent to obtain a wife for their sons in an honest fashion rather than to expose themselves to loud palavers by the abandoned husband.

From all the preceding description it is clear that the man was considerably older than his wife. But because of the inheritance of widows it also happened -- and still happens -- that a man acquired wives who were older than he. When young men marry at the present time, many wives are definitely younger than their husbands; many adolescents have received prepubescent little girls for wives.

As a general rule a Nkundó woman does not like her husband to be much older than she, and she likes it even less if he is younger. Nowadays unions between persons of the same age increase continually. This increase is due more to the remarriage of divorcées, who prefer husbands of their own generation to the old men who first paid for them, than to first marriages between equals. The influence of Christian couples is called upon to play a great educational role in normalizing the situation of the girls.

The boys must marry in turn, according to age, because of the seniority rule which regulates social relations. That is the rule, but it may be mitigated by the application of another rule, namely the one pertaining to the direct or indirect rights to a sister's bride

price. The rights of a polygamist's wife over their sisters' bride prices are not absolutely equal [240]. One of them can oppose the decision that one of his brothers, born of a different mother not related to his, should benefit from the bride price paid for his uterine sister. His right will incontestably prevail. But if he has other sisters, it is his duty out of brotherly love to help his less fortunate brother. If both of them have uterine sisters, there may be an exchange of bride-price rights which will hurt no one. Finally, if only the younger brother has a sister, his right to her bride price is precisely defined and personal, and it may therefore happen that he marries before his elder brother. But unless the mother is absolutely opposed to any such arrangement, an attempt is usually made to settle the matter in a friendly fashion by assigning the future bride price of a niece or cousin to the younger brother. The rules as we have explained them hold absolutely only for the present time. They also existed in the past, but the delay in the sons' marriages, as described above, resulted in a transferring of rights which could completely upset this order. Since, in practice, many men began their married lives after the death of their fathers or uncles, thus with inherited wives, the elder brothers benefited from the rules before the younger ones did. (1)

1. See also Chapter II, Article X.

Lastly, the eldest son may be deprived of his rights for certain reasons, such as a serious failure in his duties of respect and submission to his father. To punish him his father may curse him publicly, declare that he has lost his position as eldest son, and forbid him to acquire a wife. This practice is no longer common today. It would have little effect, for the young man would go and seek his fortune elsewhere. But history has left us some examples like that of Ikēkē ya Lonkinja, the first-born son of Ikēkē Elongoma of Longofolé, the ancestor of the Bombéngo wa Bolomba family (Bamanga).

000 new legislation emanating from the European power, a very slow and complex system (the law against adultery which has been requested for decades is still in the realm of studies and projects), lacking in flexibility and the ability to adapt to the very varied circumstances of the peoples of the Congo. A law is needed only for the persons who do not fall within the jurisdiction of the native courts, in order to preserve harmony and impartiality in the exercise of justice, since native society must of necessity feel its effects.

Article VIII. Relations Permitted to the Wife

[37] In this article we will examine the relations a wife may have -- under certain conditions -- with various persons. According to our law, such relations would be adulterous, but Nkundó law does not consider them as such. From this arises the difference between this article and the preceding one. Such relations may be 1) transitory or 2) permanent (concubinage).

1. Transitory relations

[37] [56] [57a] A wife is permitted to have sexual relations with her husband's age mates (bankyf, sing. bonkyf). (1) When one comes to

1. See Chapter I, Part 1, Article III.

the home of another in the course of travel, the host lends his wives to the visitor, saying: "Here is your house; here are your wives." If he is monogamous he leaves his house and his spouse at the visitor's disposal and goes to bed elsewhere alone. If a woman who is traveling arrives in the village of one of her husband's age mates, the latter -- as much as he learns of her presence -- invites her to stay in his home for the length of her stay. When they say good-by he gives her a present for her husband" with the bonkyf's compliments." When one visits another, wives are often exchanged.

Such is the practice among age mates who maintain good and true relationships. They have free access to each other's wives, and [334] their actions cannot give rise to claims or fines. Nor if one is more "stingy" in the native view than another, can the latter start palavers with him on that account. But such an attitude will result in a cooling of the cordiality of their relationship, and refusals will be reciprocated.

Age mates do not demand indemnities from each other because it is not fitting for one to enrich himself at the other's expense. This rule applies even to "private" relations, to a simple "call," occurring without the lending described above. But if one of them goes too far, that is if he avails himself of another's wife two or three times without the latter doing likewise, a palaver may arise. The husband will believe that he has been wronged and will demand an indemnity. If his companion refuses on the grounds of the relationship which unites them, he may receive a reply such as the following: *lolongɛ ɔtɔndɛngɛla oôt bamɛ?* "Is the age-mate relationship a means for acquiring wives?" A regular battle may follow, and the husband is the one who will win the case before the court.

There are no relations permitted between men and women age mates. Such relations would be considered typical adultery.

The relations between a man and his age-mate's wife are therefore permitted not in themselves, but because of the husband's willingness to have them occur. Furthermore, the husband is not strictly required to yield his wife to him. That he does so is a matter of good friendship, harmony, payment for services, and mutual respect and affection. From the purely matrimonial point of view, the terrain is free and neutral since, they say, the relations involved are purely private between them, and each one does what he thinks best.

In addition to the *lolongɛ*, the Nkundó have a relationship called *lɔwɛlɛ*, "friendship," "friend." (It is called *lokandeko* among the Bombwanja). (1) In contrast to the practices that prevail between

1. See Chapter I, Part1, Article III.

613 they always refer to their descent from the ancestor-founder: "We are bamka Ngoi (descendants of Ngoi; we belong to the clan of Ngoi)."

Naturally the Nkundo-Mongo know very well that all the Mongo clans are descended from a common ancestor. They even believe in the common descent of all people. However, in clan unity they only go back to that ancestor who made their group legally autonomous, who made himself independent.

To that group belong, thus, all the children of that founder, all of the children of his sons, all of the children of his grandsons and great-grandsons; thus, all those who keep the same family name in our society.

The Nkundo-Mongo call the clan from the father's side their wise, from ise (father). The children of the lawfully married daughters belong to another wise, since they go back on their father's side to another ancestor. However, children of an unmarried daughter of the clan continue to bear their mother's name, and thus belong to the wise of the mother, just as, in our society, they take on the family name of the mother.

Married women, however, continue ethnically to belong to their own paternal clan and do not form part of the wise of their husband.

2. Kinship Terms in the Paternal Clan

60/ 613 All of the living members of the paternal clan constitute one extended family. In the bosom of that one family, all members of the same /1st/ generation also bear the same title. All of the members of the grandfather's generation are grandfathers. All the members of the father's generation are fathers, also including the female members. Thus, the sisters and female cousins of the father who belong to the wise are all called "female fathers": isomoto or fasomoto (from ise or fafa, father, and botomo, woman). All of the older brothers and male cousins of the wise are betomolo; all younger brothers or male cousins of the wise are bakume; all sisters or female cousins of the wise are nkama. All of the children of brothers and male cousins, and also all of the children of sisters and female cousins who remain in the wise, are bana (children).

60/ 56/ 613 Such terms are to us, of course, a never ending source of mistakes, complications, and ridicule. The native cannot possibly understand this and underneath takes it very much amiss. Socially, legally, and

601 561 613 politically, his whole society is, in fact, based on those relationships which are incomprehensible to us. Indeed, the order of duty and responsibility, of authority and honor, are socially, legally, and politically determined by the order of birth. That order is determined by generation, and within the generation, by age: from the oldest father down the whole line of fathers to the oldest "child" in the whole row of children. The children of your older brother, even if they are younger in years, go before your own children. As we shall see later, the female members of the family, who practically fall outside this order, recover their place of honor through their sons.

613 From this short description of the paternal clan, it is immediately apparent that the clan is not a geographical concept among the Nkundo. Wherever the daughter may marry, wherever the son may wander in service to the Whites, that person always and everywhere continues by law to belong to his wim, and he remains bound to all the rights and duties of his place in that community.

602 613 It also appears that clan and blood relationship do not come anywhere near to blanketing each other. Each "blood relationship" of the Nkundo extends itself over various paternal clans, since the blood relations of the mother, as well as the descendants of all the other women of my wim who are lawfully married out of the clan, belong to another wim.

/110/ 3. Inheritance in the Clan

613 421 Each clan has possessions that constitute the inheritance or patrimony of the members, the domain of the family. These goods are of two kinds: economic and moral. The former are subdivided into real property, or inalienable property, and personal property.

613 423 The real property of the clan consists of land and waters. The land is divided into arable land, land for gardens, and hunting areas. These constitute common property, whose cultivation or usufruct is divided among the members of the clan: each one receives his garden land and hunting ground to clear; as soon as the user leaves it, that ground is free again for the community. Palm groves, of course, also remain common property of the members. A similar arrangement applies to water rights. Larger fishing areas remain common property and are, under the leadership of the clan head, communally exploited. Smaller fishing grounds, creeks, ponds, etc., are allotted to each